

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SMITH ROCKE LTD.,

Plaintiff,

v.

REPÚBLICA BOLIVARIANA DE VENEZUELA,  
SUPERINTENDENCIA DE LAS INSTITUCIONES  
DEL SECTOR BANCARIO f/k/a/  
SUPERINTENDENCIA DE BANCOS Y OTRAS  
INSTITUCIONES FINANCIERAS, FONDO DE  
PROTECCIÓN SOCIAL DE LOS DEPÓSITOS  
BANCARIOS f/k/a FONDO DE GARANTÍA DE  
DEPOSITOS Y PROTECCIÓN BANCARIA,  
RAFAEL JOSÉ MORENO FRANCO, ROSA  
MARÍA JIMÉNEZ URRUTIA, and JUNTA  
ADMINISTRADORA DE CREDICAN, C.A.,

Defendants.

Civil Action No. 12-CV-7316 (LGS)

**DECLARATION OF ARIEL MEYERSTEIN**

I, Ariel Meyerstein, being of legal age and pursuant to 28 U.S.C. § 1746, hereby declare as follows, based on my own personal knowledge:

1. I am an attorney admitted *pro hac vice* to practice before this Court and admitted and licensed to practice in the state of New York.

2. I am associated with the law firm of Chadbourne & Parke LLP (“Chadbourne & Parke”), counsel of record for Plaintiff Smith Rocke Ltd.

3. A certified translation as well as a true and correct copy of the February 15, 2011 decree, which became effective July 15, 2011, appointing Rafael José Moreno Franco and Rosa María Jiménez Urrutia as administrators of Credican C.A. is attached hereto as Exhibit 1.

4. A true and correct copy of the email communication Chadbourne and Parke received from Rosa María Jiménez Urrutia, on behalf of the Junta Administradora, on June 1, 2012 is attached hereto as Exhibit 2.

5. A true and correct copy of the letter sent by the Members of the Board of Liquidators of Defendant FOGADE for the Liquidation of Banco Canarias de Venezuela, Banco Universal, C.A. on August 24, 2012 to Hon. James Peck, United States Bankruptcy Judge is attached hereto as Exhibit 3.

6. A true and correct copy of the email communication sent by the Junta to, among others, Chadbourne and Parke and counsel for the plan administrator in *In re Lehman Brothers Holdings Inc., et al.*, No. 08-13555 (JMP) (S.D.N.Y.) on September 16, 2012 is attached hereto as Exhibit 4.

7. A certified translation of, as well as a true and correct copy of the assignment and sale of Lehman note XS0258731909 from Banco Canarias to Credican, dated December 30, 2008 is attached hereto as Exhibit 5.

8. A certified translation of, as well as a true and correct copy of the assignment and sale of Lehman note XS0295087042 from Banco Canarias to Credican, dated March 26, 2009 is attached hereto as Exhibit 6.

9. A certified translation of, as well as a true and correct copy of the modified assignment and sale of Lehman note XS0295087042 from Banco Canarias to Credican, dated May 20, 2009 is attached hereto as Exhibit 7.

10. A certified translation of, as well as a true and correct copy of SUDEBAN's approval of these transactions by official letter, dated December 24, 2008, is attached hereto as Exhibit 8.

11. Copies of the digital signature receipts indicating date and address delivered, from Federal Express with respect to each of the Summonses and Complaints served on the various defendants by the Clerk of the Court pursuant to Judge Marrero's December 10, 2012 Order Directing Service Abroad, are attached hereto as Exhibit 9.

Dated: June 13, 2013

Respectfully submitted,

/s/ Ariel Meyerstein

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